

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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LINDA EVANGELISTA,	:	Civil Action No. 1:21-cv-7889
	:	
Plaintiff,	:	
	:	
-against-	:	DEFENDANT ZELTIQ AESTHETICS,
	:	INC.'S NOTICE OF MOTION TO
ZELTIQ AESTHETICS, INC.,	:	DISMISS
	:	
Defendant.	:	
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PLEASE TAKE NOTICE that Defendant Zeltiq Aesthetics, Inc. (“Zeltiq”) by and through its undersigned attorneys, respectfully moves before the Honorable Valerie E. Caproni, U.S.D.J., Southern District of New York, Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, NY 10007, for an order dismissing Plaintiff’s Amended Complaint for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of its motion, Zeltiq will rely upon the accompanying Memorandum of Law, Declaration of Alyson B. Jones, and proposed form of Order.

Dated: December 21, 2021

s/ Alyson B. Jones
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*Attorneys for Defendant
Zeltiq Aesthetics, Inc.*

CERTIFICATION OF SERVICE

I hereby certify that on December 21, 2021, I caused a true and correct copy of Defendant Zeltiq Aesthetics, Inc.'s Motion to Dismiss, supporting Memorandum of Law, Declaration of Alyson B. Jones, and proposed form of Order to be served on all counsel of record via ECF.

s/ Alyson B. Jones
ALYSON B. JONES